


THE COMMONWEALTH OF MASSACHUSETTS
ADMINISTRATIVE OFFICE OF THE TRIAL COURT
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JOHN J. IRWIN, JR.
Chief Justice for
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MEMORANDUM

TO: Hon. Mary C. Fitzpatrick, Chief Justice, Probate and Family Court Department
Hon. Robert A. Mulligan, Chief Justice, Superior Court Department
Hon. William J. Tierney, Chief Justice, Boston Municipal Court Department
Hon. Samuel E. Zoll, Chief Justice, District Court Department

FROM:  John J. Irwin, Jr.
Chief Justice for Administration and Management

RE: Out-Of-State Domestic Violence Restraining Orders

DATE: October 30, 1996

An Act Relative to The Crime Of Stalking, St. 1996, Chapter 298, section 5, amends G.L. c. 209A to add a new section 5A which provides, in pertinent part:

"Any protection order issued by another jurisdiction, as defined in section one [of G.L. c. 209A], shall be given full faith and credit throughout the commonwealth and enforced as if it were issued in the commonwealth for as long as the order is in effect in the issuing jurisdiction.

A person entitled to protection under a protection order issued by another jurisdiction may file such order in the superior court department or the Boston municipal court department or any division of the probate and family or district court departments by filing with the court a certified copy of such order which shall be entered into the statewide domestic violence record keeping system established pursuant to the provisions of section seven of chapter one hundred and eighty-eight of the acts of nineteen hundred and ninety-two and maintained by the office of the commissioner of probation. Such person shall swear under oath in an affidavit, to the best of such person's knowledge, that such order is presently in effect as written. Upon request by a law enforcement agency, the register or clerk of such court shall provide a certified copy of the protection order issued by the other jurisdiction."

Section 1 of the Stalking law provides the following definition of the phrase "protection order issued by another jurisdiction":

"any injunction or other order issued by a court of another state, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, or tribal court that is issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to another person, including temporary and final orders issued by civil and criminal courts filed by or on behalf of a person seeking protection."

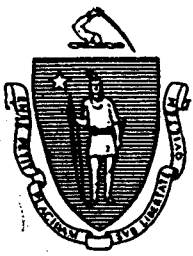
Attached for your information is a copy of the Stalking law. Governor Weld signed the law on August 9, 1996 and it is effective November 7, 1996.

Commissioner Cochran today issued the attached related memorandum to the Chief Probation Officers and Probation Officers-In-Charge in the District, Boston Municipal, Superior and Probate and Family Court Departments. Commissioner Cochran's memorandum instructs Probation Officers how to enter these out-of-state protection orders into the Massachusetts Registry of Domestic Violence Restraining Orders. Proper implementation of this Probation procedure requires that the Clerk-Magistrates and Registers forward any certified copy of an out-of-state protection order they may receive pursuant to the provisions of the Stalking law cited above to the Probation office for data entry on the same day that the order is filed with the court. Once the Probation office enters such an order into the Registry, the Probation office is required to return it to the Clerk-Magistrate or Register.

Please take the time to inform the Clerk-Magistrates or Registers of the courts in your Department of this requirement at your earliest convenience.

Attachments

cc: Jerome S. Berg, Court Administrator
James Klein, Court Administrator
John McNichols, Court Administrator
Helen Quigley, Court Administrator
Donald Cochran, Commissioner of Probation



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DONALD COCHRAN
COMMISSIONER

(617) 727-5300

Date: October 30, 1996
To: Chief Probation Officers / Probation Officers-in-Charge
From: Donald Cochran, Commissioner *DC*

Subject: **Chapter 209A, Section 5A: Out-of-State Protective/Restraining Orders**

Chapter 298 of the Acts of 1996 amends G.L. c. 209A by adding **section 5A** which provides that any protection order issued by another state or jurisdiction "shall be given **full faith and credit** throughout the Commonwealth and shall be enforced as if it were issued in the Commonwealth, for as long as the order is in effect in the issuing jurisdiction."

Existing Civil Restraining Order data entry procedures are to be used for entry of out-of-state restraining orders. Effective November 7, 1996, to add an out-of-state order to the Massachusetts Registry of Civil Restraining Orders:

Enter the Chapter and Section as **209A, 5A**. This will identify the order as a 'Full Faith' restraining order.

To maintain the quality of data in the Massachusetts Registry of Civil Restraining Orders, and to uniformly reference the out-of-state jurisdiction, use the following procedures to assign a 'Full Faith' (FF) tracking number which is to be entered into the **Docket Number** field:

1. The first two characters consist of the State Postal Code for the state which originally issued the order.
2. The second two characters (or three if appropriate) consist of the Court Number of the Massachusetts court where the out-of-state order is being filed.
3. The next six characters consist of the date the certified order is filed with the Massachusetts clerk/register (YYMMDD).

e.g. An order from New Hampshire filed at the Clerk's Office at Court 52 on December 1, 1996 would have the tracking number **NH52961201**

Hereafter, any defendant named in an out-of-state restraining order will have an 'FF' at the top of the defendant's identification screen. The printout of the restraining order will also have a 'Full Faith' designation.

Once the order is entered in the Massachusetts Civil Registry, return the order to the clerk/register.

If you have any questions concerning these procedures, please contact your area supervisor.